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# HIGH COURT OF CHHATTISGARH AT BILASPUR

## F.A.No. 69/2004

**Before: Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

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| Appellant/ (Applicant) | Ghanshyam Patel, S/o Ram Prasad Patel, Aged about 31 years, R/o Village Jagdalli, P.S. Sakti, Dist. Janjgir Champa (C.G.) |
| | **Versus** |
| Respondent/ (Non-applicant) | Smt. Gayatri Patel, W/o Ghanshyam Patel, Aged about 30 years, R/o Village Jagdalli, P.S. Sakti, Dist. Janjgir Champa (C.G.). At present D/o Purushottam Lal Patel, R/o Village Dhattari, Tahsil Mungeli, Dist: Bilaspur. |

Appellant-Ghanshyam Patel with Shri Prafull N. Bharat, Advocate.
Respondent-Smt. Gayatri Patel with Shri H.B. Agrawal, Sr. Advocate with Ms. Sangita Mishra, Advocate.

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**O R D E R**
(09.03.2007)

Heard on application (I.A.No.534 of 2007) under Order 23 Rule 3 of C.P.C. for granting decree of mutual divorce which was filed on 22.01,2007. Prior to this, on 01.03.2005 both the spouses had made an application under Section 13-B of Hindu Marriage Act for the decree of mutual divorce.

2. Ghanshyam Patel is identified by Shri Prafull N. Bharat, learned counsel for the appellant and Smt. Gayatri Patel is identified by Ms. Sangita Mishra, learned counsel for the respondent. Their photographs are also furnished which are placed on record. Both the

appellant and the respondent have stated before me that they are living separately since more than 10 years and a re-union is impossible. Both of them have stated that mutual divorce sought by them is voluntary and without any coercion or threat. Smt. Gayatri Patel also submitted that she has relinquished her right to claim alimony from her husband.

3. A perusal of the impugned judgment dated 21.2.2004 passed in Civil Suit No.08-A of 2003 also shows that marriage between the parties was solemnized in the year 1995 and they have been living separately since September 1997. It thus appears that it is an irretrievable marriage and the parties have amicably resolved to obtain a decree for mutual divorce.

4. Having thus satisfied myself that the application I.A.No.534 of 2007 is voluntary and satisfies the requirement of law, I allow I.A. No.434 of 2007 and dissolve the marriage between the two spouses by granting a decree of mutual divorce.

5. Consequently, this appeal stands disposed of. There shall be no order as to costs.

Sd/-
DILIP RAOSAHEB DESHMUKH
Judge